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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,018	12/01/2003	Christopher A. Eusebi		2599

7590

11/25/2005

CEE Restraint Systems
Apt 1109
840 Village Green Lane
Waterford, MI 48328

EXAMINER

BROWN, DREW J

ART UNIT PAPER NUMBER

3616

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/725,018

Applicant(s)

EUSEBI, CHRISTOPHER A.

Examiner

Drew J. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/29/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-20 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 6,655,718 in view of Gillespie et al. (U.S. Pat. No. 5,992,884). The patent claims the retractor having a switching mechanism capable of changing the mode of operation between an ARL and an ERL mode, a seat belt tongue coupled to a seatbelt webbing, and first and second coupling positions, but fails to claim the prisoner screen. However, Gillespie discloses the prisoner screen (50). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify U.S. Patent No. 6,655,718 in view of the teachings of Gillespie to include a prisoner screen in order to protect the police officer from the prisoner.

Drawings

3. The drawings are objected to because the numeral 17 denoting the prisoner does not appear in the drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The abstract of the disclosure is objected to because in line 9, “reduce” should be changed to --reduces--. Correction is required. See MPEP § 608.01(b).

5. The disclosure is objected to because of the following informalities:

In line 2 of paragraph 20, “Figure 2” should be --Figure 1--.

In lines 3, 5, 2, and 10 of paragraphs 25, 26, 27, and 27, respectively, “tongue 80” should be --tongue 40--.

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In line 11 of paragraph 27, "buckle 1." should be --buckle 43.--.

In line 13 of paragraph 27, "webbing 29" should be -- webbing 30--.

In line 11 of paragraph 27, "switch mean" should be --sensing means--.

Appropriate correction is required.

Claim Objections

6. Claims 1, 2, 4-7, 15, 17, 18, and 20 are objected to because of the following informalities:

In line 13 of claim 1, it is suggested that "second forward position coupling position" be changed to --second forward coupling position--.

In line 3 of claim 2, "second coupling position" should be changed to --second forward coupling position-- in order to be consistent within the claims.

In line 1 of claims 4, 6, 15, 17, 18, and 20, "wherein" should be inserted after the respective claim number.

In line 2 of claim 5, "first position" should be changed to --first coupling position-- in order to be consistent within the claims.

In line 2 of claim 6, "second position" should be changed to --second forward coupling position-- in order to be consistent within the claims.

In line 14 of claim 7, "retractor engage" should be changed to --retractor to engage--.

Appropriate correction is required.

7. Claims 4 and 18 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or

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rewrite the claim(s) in independent form. Claims 4 and 18 recite that the first seatbelt buckle is disposed adjacent the seat, but it is already recited in the previous claims that the first seatbelt buckle is disposed at the first coupling position, which is disposed adjacent the seat.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-6, 8-11, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. Claim 1 recites that the retractor resists movement of the prisoner while the seatbelt tongue is in the second location. As understood by the examiner, the tongue in the first location resists movement of the prisoner instead of the second location. This renders the claim indefinite.

11. Claim 5 recites that the webbing extends upward from the retractor to the second buckle and then to an anchor. However, it appears that the buckle extends downward rather than upward when in the first coupling position in Figure 4. Also, it appears that when in the first coupling position, the webbing extends to the first buckle and then to the anchor rather than the second buckle and then to the anchor. These render the claim indefinite.

12. Claim 8 recites that a second coupling position is forward of the seat. However, in claim 7, the second coupling position is adjacent the vehicle seat. This renders the claim indefinite.

13. Claim 9 recites that a first coupling position is adjacent the seat. However, in claim 7, the first coupling position is forward of the vehicle seat. This renders the claim indefinite.

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14. Claim 1 recites the limitation "the second location" in the last line. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gillespie et al. (U.S. Pat. No. 5,992,884) in view of Ziebarth et al. (DE 40 01 119 A1) and Takada (U.S. Pat. No. 4,811,912).

With respect to claim 1 and 12, Gillespie et al. discloses a police vehicle (20) having a rear passenger compartment configured to transport a prisoner comprising a prisoner screen (50) vehicle seat (18) within the rear passenger compartment with a center mount location (24). The rear passenger compartment defines a first coupling position (23) located adjacent to the vehicle seat and a second coupling position (48) located adjacent to the prisoner screen, where the first and second coupling positions are configured to restrain a tongue (56) that is coupled to a seat belt webbing (60). A retractor (column 3, lines 64-66), which is operatively connected to the seat belt webbing, is configured to resist movement of the prisoner while the seat belt tongue is in the first location and the retractor is in the automatic locking retractor mode.

With respect to claim 2 and 17, a first seatbelt buckle (54) is disposed at the first coupling position and a second seatbelt buckle (36) is disposed at the second coupling position.

With respect to claim 3 and 14, the second coupling position is located at a b-pillar of the vehicle (Figure 1).

With respect to claim 4, 15, and 18, the first seatbelt buckle is disposed adjacent the seat (Figure 1).

With respect to claim 19, the first and second coupling positions are configured to releasably lock the tongue (Figure 2).

With respect to claim 1 and 12, Gillespie et al., does not disclose that the vehicle seat is made out of a polymer material, that the retractor is disposed at a center mount location, or that the retractor includes a switching mechanism that is capable of changing the mode of operation of the retractor between an ALR mode and an ELR mode in response to an amount of seat belt webbing extracted from the retractor.

However, Ziebarth et al. does disclose that a retractor (12) can be disposed at the center mount location (Figure 2), and Takada discloses that a retractor includes a switching mechanism that is capable of changing the mode of operation of the retractor between an ALR mode and an ELR mode in response to an amount of seat belt webbing extracted from the retractor (Abstract).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Gillespie et al. in view of the teachings of Ziebarth to mount the retractor in the center mount location in order to keep the seatbelt a safe distance from the occupant's neck while also restraining their upper body. It would have also been obvious to modify the combination of Gillespie et al. and Ziebarth et al. in view of the teachings of Takada to have the retractor include a switching mechanism between an ARL and ERL mode in response to an amount of seat belt webbing extracted from the retractor in order to

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better protect the occupant in the event of a crash. Also, it is obvious to use a polymer for the vehicle seat because it is old and well known in the art to use a polymer material for the vehicle seat in order to provide a desired comfort for the occupant.

With respect to claim 5, when the tongue is in the first coupling position (Figure 3), the webbing extends from the retractor to the first buckle and then to an anchor (anchor for tube portion 64).

With respect to claim 6, Gillespie et al. discloses a chest portion (3) that is extracted to extend across the seat from the retractor. Ziebarth et al. discloses a lap belt section (Figure 2) that extends across the seat from the anchor (anchor located near buckle 11) to the tongue (tongue at end of belt 3).

With respect to claim 13, Gillespie et al. discloses a first seatbelt buckle disposed at the first coupling position and a hook (column 3, lines 29-33) disposed at the second coupling position. Gillespie et al. teaches that the first and second coupling positions each have a tongue portion, and that the seatbelt (12) contains the latching portion. Ziebarth et al. teaches that these can be switched so there are two latching portions at the first and second coupling positions and a tongue on the seatbelt (12).

With respect to claim 16, Gillespie et al. does not disclose a floor pan. However, it is old and well known in the art that vehicles contain floor pans in order to provide a resting area for the occupant's feet.

With respect to claim 20, it appears that the prisoner screen comprises a generally transparent window, but it is not disclosed. However, it is old and well known to make the

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screen generally transparent so the police officers can monitor the prisoner's actions from the front seat.

The apparatus claims 1-6 meet the method limitations recited in claims 7-11.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew J. Brown whose telephone number is 571-272-1362. The examiner can normally be reached on Monday-Thursday from 7 a.m. to 4 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Drew J Brown
Examiner
Art Unit 3616

DJB


DAVID R. DUNN
PRIMARY EXAMINER